

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

IN ITS INSOLVENCY

NOTICE OF MOTION NO. 13 OF 2024

IN

INSOLVENCY PETITION NO. 3 OF 2019

Reliance Asset Reconstruction Company Limited ... Applicant

Versus

Kapil Puri

... Respondent

Ms. Samridhi Lodha instructed by Ms. Keegan Almeida, Advocate for the Petitioning Creditor.

Mr. Rohaan Cama alongwith Ms. Jyoti Singh and Mr. Shakil Ansari instructed by AJA Legal, Advocates for the Applicant in NMIS-4-2024.

Mr. Nikhil Rajani instructed by M/s. V. Deshpande & Co., Advocate for the Applicant in NMIS-13-2024.

Ms. C.J. Bhatt, Official Assignee alongwith Mr. Subodh Patil, Deputy Official Assignee, Mr. D.B. Iswalkar, 1st Assistant Official Assignee and Ms. M.R. Parkar, Insolvency Registrar, present.

CORAM : ABHAY AHUJA, J.
DATE : 19 NOVEMBER 2024

PC. :

1. This Notice of Motion has been filed by the Applicant – Reliance Asset Reconstruction Company Limited seeking leave of this Court to bring on record the Official Assignee in place of the Insolvent in Official Assignee's Report No. 138 of 2015 pending on the file of the Debt Recovery Tribunal, Mumbai and to pursue the said original Application against the said Official Assignee as the party Defendant

has been declared Insolvent.

2. Mr. Rajani, learned Counsel appearing for the Applicant, Mr. Cama, learned Counsel appearing for the Insolvent as well as the Official Assignee have no objection if the said Application is allowed.

3. It is observed that the said permission has been sought under Section 17 of the Presidency-Towns Insolvency Act, 1909. The Defendant in the Original Application is Kapil Puri who has been adjudicated as Insolvent on 4th June 2019.

4. Accordingly, this Court is of the view that the Application be allowed in terms of prayer clause (b), which reads thus :

(b) That this Hon'ble Court be pleased to grant necessary leave to this Applicant to permit the Applicant to bring on record the proposed Respondent being the Official Assignee of the estate and effect of Mr. Kapil Puri (Insolvent), as a party Defendant in the Original Application No.138 of 2015 pending on the file of Debts Recovery Tribunal-III, Mumbai and to pursue the said Original Application against the proposed Respondent.

5. Accordingly, the Notice of Motion is allowed and disposed as above.

(ABHAY AHUJA, J.)